

Message Text

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PAGE 01 IAEA V 08480 151533Z

51

ACTION SCI-06

INFO OCT-01 EUR-25 EA-11 IO-14 ISO-00 ACDA-19 CIAE-00

INR-10 L-03 NSAE-00 NSC-10 RSC-01 SCEM-02 OMB-01 EB-11

TRSE-00 COME-00 SS-20 PM-07 DODE-00 H-03 PA-04 PRS-01

USIA-15 SPC-03 DRC-01 /168 W
----- 106888

R 151444Z OCT 73

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 3532

INFO AEC GERMANTOWN

AMEMBASSY BONN

USMISSION EC BRUSSELS

AMEMBASSY TOKYO

C O N F I D E N T I A L IAEA VIENNA 8480

EO 11652: GDS

TAGS: PARM, IAEA, US, GW

SUBJECT: U.S. VOLUNTARY OFFER SAFEGUARDS AGREEMENT

REF: BONN 14650 (NOTAL)

1. FRG RES REP UNGERER CALLED AT MISSION OCTOBER 12 AS FORE-
SEEN PARA 4 REFTTEL. READING FROM HIS INSTRUCTIONS, HE SAID
BONN WISHED CLARIFICATION OF FOLLOWING FIVE POINTS CON-
CERNING US-IAEA NEGOTIATIONS.

2. DOES US ANTICIPATE THAT ALL US NUCLEAR FACILITIES "OF
ADVANCED DESIGN INCORPORATING NEW TECHNOLOGY OR THOSE WHICH
ARE SENSITIVE IN TERMS OF INTERNATIONAL COMPETITION"
(LANGUAGE USED BY SO-CALLED TIMBS PAPER) WHICH APPEAR ON
ELIGIBLE LIST WILL BE SELECTED BY IAEA FOR FULL SAFEGUARDS?
WE SAID THIS WAS ENTIRELY UP TO AGENCY, WHICH WOULD HAVE
RIGHT UNDER PROPOSED AGREEMENT TO SELECT ANY OR ALL US
FACILITIES FROM ELIGIBLE LIST. WE HAD TOLD AGENCY OFFICI-
ALLY DURING OUR NEGOTIATIONS THAT WHILE IT WAS POSSIBLE THAT
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PAGE 02 IAEA V 08480 151533Z

NEW CRITERIA FOR SELECTION MIGHT AT SOME FUTURE TIME BE

DEVELOPED BY AGREEMENT AMONG INTERESTED GOVERNMENTS, WE UNDERSTOOD THAT AT PRESENT TIME TIMBS CRITERIAL(LANGUAGE QUOTED ABOVE) WERE STILL THOSE WHICH INTERESTED COUNTRIES HAD IN MIND AND WE WOULD HAVE NO OBJECTION TO AGENCY'S USE OF THEM. COMMENT: BECAUSE OF WAY QUESTION WAS WORDED, RELATING TO AGENCY'S SELECTION RATHER THAN TO USG'S CHOICE OF WHAT IT PUTS ON ELIGIBLE LIST, FRG DID NOT APPEAR TO BE SEEKING TO KNOW WHETHER DEFFUSION PLANTS WOULD BE ELIGIBLE, AND WE DID NOT RAISE SUBJECT.

3. DOES US ANTICIPATE THAT US FACILITIES SELECTED BY IAEA FROM ELIGIBLE LIST WILL ALSO INCLUDE ORDINARY, RUN-OF-THE-MILL FACILITIES (E.G., POWER REACTORS) NOT MEETING TIMBS CRITERIA? AGAIN, WE POINTED OUT THIS UP TO AGENCY. WE THOUGHT IT LIKELY THAT SOME SUCH FACILITIES WOULD BE SELECTED, BUT AS FAR AS WE KNEW NO ONE ANTICIPATED THAT AGENCY WOULD SELECT THEM ALL, BECAUSE OF IMPACT ON AGENCY BUDGET WHICH FEW IF ANY IAEA MEMBER STATES WOULD BE WILLING ACCEPT. UNGERER AGREED. WE MADE CLEAR THAT BUDGETARY LIMITATION WAS NOT CONTAINED IN DRAFT AGREEMENT AND WAS NOT SUBJECT IN WHICH WE EXPECTED TO BECOME INVOLVED; IT WAS FOR AGENCY TO WORK OUT WITH OTHER INTERESTED MEMBERS, FRG PRMINENT AMONG THEM, WHAT NUMBER OF SELECTED FACILITIES WAS LARGE AND DIVERSE ENOUGH ON ONE HAND TO SATISFY THOSE MEMBERS' COMMERCIAL COMPETITION CONCERNS AND SMALL ENOUGH ON OTHER HAND TO KEEP THOSE SAME MEMBERS' ASSESSED CONTRIBUTIONS TO IAEA BUDGETS WITHIN REASON.

4. WOULD IAEA BE COMPLETELY FREE TO SELECT FACILITIES FROM US ELIGIBLE LIST OR WOULD IT HAVE TO CONSULT AND OBTAIN US AGREEMENT BEFOREHAND? WE NOTED THERE IS NO PROVISION IN DRAFT TEXT WE ARE DISCUSSING WITH AGENCY FOR ANY CONSULTATION, BEFOREOR AFTER SELECTION, NOR ANY PROVISION GOVERNING HOW FREQUENTLY AGENCY MAY SELECT - EVERY WEEK, EVERY MONTH, OR EVERY YEAR. THERE IS ONE PROVISION WHICH COULD LEAD TO CONSULTATION IN CERTAIN CIRCUMSTANCES, NAMELY REQUIREMENT THAT AGENCY'S SELECTIONS NOT DISCRIMINATE AMONG US COMMERCIAL FIRMS SIMILARLY SITUATED. UNGERER COMMENTED WITH A SMILE THAT HE FULLY EXPECTED US MISSION TO CONTINUE ITS DAILY ROUTINE DE FACTO CONSULTATIONS AND CONTACT WITH CONFIDENTIAL

CONFIDENTIAL

PAGE 03 IAEA V 08480 151533Z

AGENCY AND TO HAVE NO DIFFICULTY KEEPING INFORMED OF PENDING SELECTIONS.

5. WOULD ELIGIBLE FACILITIES NOT RPT NOT SELECTED BY AGENCY, BUT SUBJECT TO CERTAIN SAFEGUARDS MEASURES PURSUANT TO PROPOSED PROTOCOL TO AGREEMENT, ALSO BE INSPECTED? NO. THEY WOULD BE SUBJECT TO ALL SAFEGUARDS PROCEDURES EXCEPT INSPECTIONS. PROTOCOL PROVIDES FOR "VISITS BY INSPECTORS" TO

VERIFY DESIGN INFORMATION, BUT THESE ARE NOT INSPECTIONS. THERE WOULD BE NO "RANDOM INSPECTION" OF RUN-OF-THE-MILL FACILITIES, AS TIMBS PAPER SUGGESTED, IN ORDER PRESERVE CLEAR DISTINCTION BETWEEN GENUINE "SAFEGUARDS" AND CERTAIN SAFEGUARDS-TYPE ACTIVITIES COMPRISINGIN TOTO SOMETHING LESS.

6. UNGERER SAID LAST QUESTION ON HIS LIST WAS WHETHER SECRETARIAT SHARED USG VIEW ON IMPORTANCE OF MAINTAINING THIS DISTINCTION. HE SAID HE WOULD DISCUSS THIS WITH SECRETARIAT, AND WE DID NOT COMMENT.

7. UNGERER CONFIRMED THAT FRG WOULD BE REQUESTING FURTHER CONSULTATIONS IN WASHINGTON. WE REPEATED THAT WE FELT WE COULD ANSWER IN VIENNA QUESTIONS OF THE NATURE WHICH UNGERER HAD JUST RAISED, PERHAPS BETTER THAN TEY COULD BE ANSWERED IN A LARGE GATHERING IN WASHINGTON. HOWEVER, IF THERE WERE QUESTIONS OF A DIFFERENCT CHARACTER WHICH FRG INTENDED TO RAISE, WE HOPED WASHINGTON COULD RECEIVE ADVANCE NOTICE SO THAT APPROPRIATE PRE-MEETING PREPARATION COULD BE MADE.

8. COMMENT: QUESTIONS WHICH UNGERER WAS INSTRUCTED TO ASK HAD ALL BEE ASKED PREVIOUSLY AND SHED NO NEW LIGHT ON FRG CONCERNS. UNGERER SAID THAT QUESTION OF US-IAEA SAFEGUARDS ARRANGEMENTS BEING BASED ON EURATOM-IAEA MODEL WOULD UNDOUBTEDLY BE RAISED IN WASHINGTON TALKS, BUT HE DID NOT ASK FOR FURTHER CLARIFICATION. WE REITERATED US VIEWS ON THIS MATTER EXPRESSED PARA 1(A) STATE 187563. PORTER

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